



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/828,560	04/06/2001	Roxanne Fawson	2865-4595US	6502

7590

04/28/2003

David L. Stott
THORPE NORTH & WESTERN, L.L.P.
P.O. Box 1219
Sandy, UT 84091-1219

EXAMINER

BECKER, DREW E

ART UNIT

PAPER NUMBER

1761

DATE MAILED: 04/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/828,560	FAWSON, ROXANNE	
	Examiner	Art Unit	
	Drew E Becker	1761	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Request for Continued Examination

1. The request filed on April 14, 2003 for an RCE based on parent Application No. 09/828,560 is acceptable and an RCE has been established. An action on the RCE follows.

Claim Objections

2. Claims 16 and 22 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claim 1 recites "A disposable liner... comprising: a liner". It is not clear how the "liner" can be merely a component of itself.

6. Claim 4 recites a "linear structure extending from an upper portion of said liner along said upstanding sidewall and said bottom wall". It is not clear how a frame component which extends along two perpendicular walls can be considered "linear" since "linear" was commonly defined as: a straight line.

7. Claims 8 and 14 recite "a continuous extension". It is not clear how the handle can be "continuous" if it has a beginning and an end.
8. Claim 21 recites "A method of fabricating a disposable liner... comprising: forming a liner". It is not clear how the step of "forming a liner" can be merely a step in the "method of fabricating a disposable liner".

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-9, 12-19, and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Greenfield et al [US 2002/0079316 A1] in view of Steger [Pat. No. 949,453].

Greenfield et al teach a disposable liner comprising a liner with a bottom, side walls, and liquid retaining surface (Figure 1, #10) and the liner being made from a deformable and conformable material which is contoured to the shape of the cookware (page 1, paragraphs 0006 & 0017). Greenfield et al do not teach a movable handle, a frame with a linear structure extending from an upper portion to the bottom, a ring along the upper portion, the handle being collapsibly and insertably interconnected as well as bendable, a rigid bond, and layers around the frame. Steger teaches a cooking device comprising a liner (Figure 1, #2), a collapsible handle which is inherently bendable (Figure 1, #8),

the handle being insertably connected (Figure 1, #7), a frame with linear portions and a ring structure (Figure 1, #4 & 6), and the frame being inserted between the liner and ring (Figure 1, #2 & 4-6). It would have been obvious to one of ordinary skill in the art to incorporate the handle and support structure of Steger into the invention of Greenfield et al since both are directed to cooking liners, since Greenfield et al already included a deformable and conformable liner (Figure 1, #10), since the liner of Greenfield et al would need to be removed after cooking had been completed (page 2, paragraphs 0021-22), and since the handle and support structure of Steger would have provided better, and more durable, support and weight distribution of the liner and its food contents as taught by Steger (column 1, lines 36-48) as well as permitting easier removal of the liner. Regarding the phrase "for a dutch oven", this is merely a preferred method of using the claimed apparatus and as such is not shown patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951). Furthermore, nearly any pot, such as the pot of Steger, could be used as a "dutch oven" since this is merely a method of cooking food in a pot with hot coals surrounding the pot.

10. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Greenfield et al in view of Hayes [Pat. No. 751,640].

Greenfield et al teach a disposable liner comprising a liner with a bottom, side walls, and liquid retaining surface (Figure 1, #10) and the liner being made from a deformable and conformable material (page 1, paragraphs 0006 & 0017). Greenfield et al do not teach a basin with a ridge, a lid which sits on the ridge, and a handle. Hayes teaches a cooking device comprising a pot basin (Figure 2, #15), an insert (Figure 1, #1), a handle with a slidable interconnection (Figure 1, #9-10), and a lid which sits flat upon the basin (Figure 2, #13). It would have been obvious to one of ordinary skill in the art to incorporate the cooking vessel and handle of Hayes into the invention of Greenfield et al since both are directed to cooking inserts, since Greenfield et al required a cooking vessel (page 1, paragraph 0001), since the vessel of Hayes was already compatible with cooking inserts (Figure 1), since the liner of Greenfield et al would need to be removed after cooking had been completed (page 2, paragraphs 0021-22), and since the handle of Hayes would have permitted easier removal of the liner with reduced risk of burning the user.

11. Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Greenfield et al, in view of Steger, as applied above, and further in view of Hayes. Greenfield and Steger teach the above mentioned components. Steger also teaches a basin with a ridge (Figure 1, #1). Greenfield and Steger do not teach a slidable interconnection of the handle. Hayes teaches a cooking device comprising a pot basin (Figure 2, #15), an insert (Figure 1, #1), a handle with a slidable interconnection (Figure 1, #9-10), and a lid which sits flat upon the basin (Figure 2, #13). It would have been obvious to one of ordinary skill in the art to incorporate the slidable connection of Hayes

Art Unit: 1761

into the invention of Greenfield et al, in view of Steger, since all are directed to cooking device inserts, since Greenfield et al would have required some means to remove the insert after cooking was completed, since handles were commonly used on inserts as shown by Steger (Figure 1), and since the slidable connection of Hayes permitted the lid to be removed but yet still stay connected to the insert and vessel thus preventing its being dropped on the floor.

12. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Greenfield et al, in view of Steger, as applied above, and further in view of GB 2221143A.

Greenfield et al and Steger teach the above mentioned components. Greenfield et al and Steger do not teach the use of aluminum. GB 2221143A teaches a cooking insert made from aluminum (abstract). It would have been obvious to one of ordinary skill in the art to incorporate the aluminum of GB 2221143A into the invention of Greenfield et al, in view of Steger, since all are directed to cooking inserts, since Greenfield et al required the material to be deformable and conformable (page 1, paragraphs 0006 & 0017), since GB 2221143A teaches that aluminum was indeed deformable, conformable, and commonly used for cooking inserts (pages 1-2), and since aluminum was a light, yet durable, material which was widely used in cooking applications.

13. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Greenfield et al, in view of Steger, as applied above, and further in view of Leonard [American Cooking: The Great West].

Art Unit: 1761

Greenfield et al and Steger teach the above mentioned concepts. Greenfield et al and Steger do not teach the using the vessel in the manner of a dutch oven with a lid. Leonard teaches cooking in the manner of a dutch oven with a lid (pages 116-119 & 162-165). It would have been obvious to one of ordinary skill in the art to incorporate the dutch oven cooking method of Leonard et al into the invention of Greenfield et al, in view of Steger, since all are directed to methods of cooking, since Greenfield et al teaches lining various types of cookware (page 2, paragraph 0022), since Steger already included a metal pot (Figure 1, #1) capable of use in the dutch oven manner, and since cooking foods in the dutch oven manner of Leonard has been commonly known and practiced for centuries. Although not specifically recited, it would have been obvious to one of ordinary skill in the art to lower and raise the handle of Greenfield et al, in view of Steger and Leonard, since this would have been done during normal operation of the combined device in order to facilitate placing the lid upon the vessel and also to facilitate removal of the liner after cooking was completed.

Response to Arguments

14. Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Drew E Becker whose telephone number is 703-305-0300. The examiner can normally be reached on Monday-Thursday 8am-6pm.

Art Unit: 1761

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on 703-308-3959. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1495.

A handwritten signature in black ink, appearing to read "Drew Becker", with a long, sweeping horizontal line extending to the right.

Drew E Becker
Examiner
Art Unit 1761

April 25, 2003